

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

ERIC RAMIREZ

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

**DEFENDANTS**

NCO FINANCIAL SYSTEMS, INC.

County of Residence of First Listed Defendant \_\_\_\_\_

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<b>IMMIGRATION</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 440 Other Civil Rights				

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. SECTION 1692

Brief description of cause:  
Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

7-11-11

/s/ Craig Thor Kimmel

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 345 E. 20<sup>th</sup> St Apt 1E, Bronx, NY 10467

Address of Defendant: 507 Prudential Road, Horsham, PA 19044

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. § 1692  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Ther Kimmel, counsel of record do hereby certify:  
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 7-11-11

Craig Ther Kimmel  
Attorney-at-Law

57100  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7-11-11

Craig Ther Kimmel  
Attorney-at-Law

57100  
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Eric Ramirez : CIVIL ACTION  
v. :  
NCO Financial Systems, Inc. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☒ (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>7-11-11</u> <b>Date</b>	<u>Craig Ther Kimmel</u> <b>Attorney-at-law</b>	<u>Eric Ramirez</u> <b>Attorney for</b>
<u>215-540-8888</u> <b>Telephone</b>	<u>877-788-2864</u> <b>FAX Number</b>	<u>kimmel@creditlaw.com</u> <b>E-Mail Address</b>

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 EASTERN DISTRICT OF PENNSYLVANIA

4 ERIC RAMIREZ, )  
5 Plaintiff )  
6 v. ) Case No.:  
7 NCO FINANCIAL SYSTEMS, INC., ) COMPLAINT AND DEMAND FOR  
8 Defendant ) JURY TRIAL  
9 ) (Unlawful Debt Collection Practices)

10 **COMPLAINT**

11 ERIC RAMIREZ ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C.,  
12 alleges the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

13  
14 **INTRODUCTION**

15 1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15  
16 U.S.C. § 1692 *et seq.* ("FDCPA").  
17

18  
19 **JURISDICTION AND VENUE**

20 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states  
21 that such actions may be brought and heard before "any appropriate United States district court  
22 without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original  
23 jurisdiction of all civil actions arising under the laws of the United States.

24 3. Defendant conducts business and has an office in the Commonwealth of  
25 Pennsylvania and therefore, personal jurisdiction is established.



1 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

2 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

3  
4 **PARTIES**

5 6. Plaintiff is a natural person residing in Bronx, New York, 10467.

6 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7 8. Defendant is a national debt collection company with its corporate headquarters  
8 located at 507 Prudential Road in Horsham, Pennsylvania, 19044.

9 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6),  
10 and sought to collect a debt from Plaintiff.

11 10. Defendant acted through its agents, employees, officers, members, directors,  
12 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

13  
14  
15 **PRELIMINARY STATEMENT**

16 11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute,  
17 which prohibits a catalog of activities in connection with the collection of debts by third parties.  
18 See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that  
19 violates its provisions, and establishes general standards of debt collector conduct, defines abuse,  
20 and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the  
21 FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and  
22 misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or  
23 unconscionable conduct, both generally and in a specific list of disapproved practices.

1           12. In particular, the FDCPA broadly enumerates several practices considered  
2 contrary to its stated purpose, and forbids debt collectors from taking such action. The  
3 substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not  
4 engage in any conduct the natural consequence of which is to harass, oppress, or abuse any  
5 person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt  
6 collector may not use any false, deceptive, or misleading representation or means in connection  
7 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use  
8 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.  
9 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there  
10 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which  
11 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in  
12 connection with the collection of a debt.  
13

14           13. In enacting the FDCPA, the United States Congress found that “[t]here is  
15 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many  
16 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,  
17 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress  
18 additionally found existing laws and procedures for redressing debt collection injuries to be  
19 inadequate to protect consumers. 15 U.S.C. § 1692b.  
20

21           14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt  
22 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection  
23 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt  
24 collection practices are not competitively disadvantaged, and to promote consistent State action  
25 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.

**FACTUAL ALLEGATIONS**

15. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

16. The alleged debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

17. On or about February 12, 2011, Defendant sent correspondence to Plaintiff seeking and demanding payment for an alleged debt in the amount of \$1,557.82. See Exhibit A, Defendant's February 12, 2011, letter to Plaintiff.

18. In its letter, Defendant stated, "Doesn't everyone love getting a tax return from all of their hard work? It's a time of year to make headway with your finances and eliminate debt. You can put that refund to good use." See Exhibit A.

19. Further, Defendant claimed that, "our representatives have successfully assisted individuals in similar financial situations and are available...." See Exhibit A.

20. Defendant's statements overshadowed its notification to Plaintiff that it was a debt collector.

21. Moreover, Defendant's statements were deceptive and misleading to the least sophisticated consumer, like Plaintiff, in that the statements suggested or implied that Defendant was in the business of debt consolidation and/or debt settlement, and not in the business of debt collection.

22. Further, Defendant used multiple addresses on its correspondence to mislead Plaintiff to its location as well as where to send written correspondence.

23. Specifically, on the top, right corner of the correspondence, Defendant lists an

1 address, "507 Prudential Road, Horsham, PA 19044," however, if Plaintiff where to remit  
 2 payment he must do so to a P.O. Box located in Trenton New Jersey, making Plaintiff confused  
 3 as to whether Defendant is located in Pennsylvania or New Jersey. See Exhibit A.

4 24. Defendant's actions in attempting to collect the alleged debt were harassing,  
 5 abusive and highly deceptive.

#### 6 7 8 **CONSTRUCTION OF APPLICABLE LAW**

9 25. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &  
 10 Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes strict liability, a consumer  
 11 need not show intentional conduct by the debt collector to be entitled to damages." Russell v.  
 12 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233  
 13 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector's legal status  
 14 violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

15 26. The FDCPA is a remedial statute, and therefore must be construed liberally in  
 16 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The  
 17 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit  
 18 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the  
 19 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be  
 20 construed liberally in favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.  
 21 2002).

22 27. The FDCPA is to be interpreted in accordance with the "least sophisticated"  
 23 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano  
 24 v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,  
 25



1 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not “made for the protection of experts, but for  
 2 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,  
 3 and the fact that a false statement may be obviously false to those who are trained and  
 4 experienced does not change its character, nor take away its power to deceive others less  
 5 experienced.” Id. The least sophisticated consumer standard serves a dual purpose in that it  
 6 ensures protection of all consumers, even naive and trusting, against deceptive collection  
 7 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of  
 8 collection notices. Clomon, 988 F. 2d at 1318.

10 **COUNT I**  
 11 **DEFENDANT VIOLATED THE**  
 12 **FAIR DEBT COLLECTION PRACTICES ACT**

13 28. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or  
 14 more of the following ways:

- 15 a. Defendant violated the FDCPA generally;
- 16 b. Defendant violated §1692d of the FDCPA by harassing Plaintiff in  
 17 connection with the collection of an alleged debt;
- 18 c. Defendant violated §1692e of the FDCPA by using false, deceptive, or  
 19 misleading representations or means in connection with the collection of a  
 20 debt;
- 21 d. Defendant violated §1692e(10) of the FDCPA by using false representations  
 22 or deceptive means to collect or attempt to collect a debt;
- 23 e. Defendant violated §1692f of the FDCPA by using unfair and unconscionable  
 24 means with Plaintiff to collect or attempt to collect a debt; and  
 25

- 1 f. Defendant acted in an otherwise deceptive, unfair and unconscionable manner  
2 and failed to comply with the FDCPA.  
3

4 WHEREFORE, Plaintiff, ERIC RAMIREZ, respectfully pray for a judgment as follows:

- 5 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §  
6 1692k(a)(1);  
7 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
8 15 U.S.C. § 1692k(a)(2)(A);  
9 c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
10 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and  
11 d. Any other relief deemed appropriate by this Honorable Court.  
12

13 **DEMAND FOR JURY TRIAL**

14 PLEASE TAKE NOTICE that Plaintiff, ERIC RAMIREZ, demands a jury trial in this  
15 case.  
16

17 RESPECTFULLY SUBMITTED,

18 DATED: 7-11-11

KIMMEL & SILVERMAN, P.C.

19 By: CTK 3654  
20 Craig Thor Kimmel  
21 Attorney ID # 57100  
22 Kimmel & Silverman, P.C.  
23 30 E. Butler Pike  
24 Ambler, PA 19002  
25 Phone: (215) 540-8888  
Fax: (877) 788-2864  
Email: [kimmel@creditlaw.com](mailto:kimmel@creditlaw.com)

Dept 22  
Trenton, NJ 08650-4909



Calls to or from this company may be monitored  
or recorded for quality assurance.

## NCO Financial Systems, Inc.

507 Prudential Road, Horsham, PA 19044

1-866-576-1447

OFFICE HOURS:

8AM-9PM MON THRU THURSDAY

8AM-5PM FRIDAY

8AM-12PM SATURDAY

Feb 12, 2011



TXH126  
ERIC J RAMIREZ

BRONX NY 10467-4425

CURRENT BALANCE DUE: \$1557.82  
(SEE BACK FOR DETAIL)

### \*\*\*Tax Season Offer\*\*\*

Doesn't everyone love getting a tax return from all of their hard work? It's a time of year to make headway with your finances and eliminate debt. You can put that refund to good use. Take the first step by accepting this special Tax Season offer TODAY!

NCO Financial Systems, Inc. wants to offer you a quick way to settle your account(s) at 50% off the current balance due in up to 6 monthly payments. This way you can resolve your account(s) and use the savings however you want! You have worked hard all year to earn that refund, so put it to good use.

This offer will expire 45 days after the above date. If you are unable to take advantage of this offer or you are not getting a refund check, please call us and speak to one of our trained representatives who will work with you to try and establish an alternative re-payment plan. Our representatives have successfully assisted individuals in similar financial situations and are available during the hours listed above.

Mail your payment along with the payment coupon, or a copy thereof, or call us at 1-866-576-1447.

You may also make payment by visiting us online at [www.ncofinancial.com](http://www.ncofinancial.com). Your unique registration code is CTXH1262-2C1RSB. To receive future notices for the account(s) by e-mail, visit [www.ncofinancial.com](http://www.ncofinancial.com) for details.

Should you choose not to accept this offer, your account balance may be periodically increased due to the addition of accrued interest or other charges as provided in your agreement with the original creditor or as otherwise provided by state law.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

THIS COLLECTION AGENCY IS LICENSED BY THE  
DEPARTMENT OF CONSUMER AFFAIRS OF THE CITY OF NEW  
YORK; LICENSE#0907469  
CONTACT ALEX DREW AT NCO FINANCIAL SYSTEMS, INC.

Our Account #	Current Balance Due
TXH126	\$ 1557.82

ERIC J RAMIREZ

Payment Amount

\$

Check here if your address or phone number has  
changed and provide the new information below.

Make Payment To:



NCO FINANCIAL SYSTEMS  
PO BOX 4907  
TRENTON NJ 08650-4907

012200TXH12640000001500000000001557821

NCOP J6  
6944

